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June 2, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WT Docket 02-55

Dear Ms. Dortch:

On May 29, 2003, the undersigned counsel for the Association of Public-Safety Communications Officials-Inc. ("APCO"), along with Mr. Stephen Devine, of the Missouri State Highway Patrol and a member of APCO's Spectrum Policy Committee, were among the many parties who were invited to attend a meeting called by the Chief of the Office of Engineering and Technology to discuss a recent *ex parte* submission by Motorola, Inc. and related issues in the above-referenced proceeding. During the meeting, the undersigned and Mr. Devine reiterated several points contained in prior submissions of APCO, and of the "Consensus Parties" (which include APCO). In addition, the undersigned and Mr. Devine made the specific points noted below.

Regarding the interference database which is maintained on APCO's website and is referred to by Motorola in its submission, we commented as follows:

- The database is not intended to be an accurate reflection of the extent of the interference problem. The principal function of the database is to gather information regarding the nature of interference problems, not to be a statistical device for estimating the number of instances or of impacted licensees.

- Each licensee listed in the database may reflect dozens of specific areas of interference within the licensee's system, and numerous actual instances of interference.

- The database is a passive device for collecting information from licensees, and is not a proactive survey device for identfying all, or even a statistically significant sampling, of interference problems.

- Our experience is that many agencies with known instances of interference have not submitted data, either because they are unaware of the database, lack the time or resources to provide the necessary information, or believe that the problem is now sufficiently well known that additional entries to the database are unnecessary.

- Many agencies have experienced interference, but lack the time or resources to ferret out the cause.

- Interference problems in the field often go unreported by first responders and other field personnel.

- Just because interference has not been experienced, does not mean that "dead zones" do not exist near cell sites. Interference will occur only when a first responder is within a dead zone and attempts to communicate. The existing documentation is sufficient to demonstrate that the "dead zones" are there, waiting for problems to occur. Thus, even the most accurate database of reported problems will understate the actual areas of interference and potential for future problems.

- The interference problem is getting worse, not better, as Nextel and other cellular providers expand their systems and build more low elevation sites to accommodate system demand. This will increase the potential for legacy noise-based 800 MHz public safety systems to experience interference by newly introduced CMRS sites in their communities.

We also made the following general points regarding the Motorola recommendations:

- The Motorola technical improvements would be a very beneficial supplement to re-banding, as proposed in the Consensus Plan.

- The proposed equipment improvements will not address out-of-band emissions (OOBE) problems.

- The proposed case-by-case "Best Practices" recommendations are beneficial and desirable, but are largely "reactive" to interference problems. The critical nature of public safety communications is such that "proactive" solutions are necessary to prevent interference from occurring in the first place.

- There is no clear path for payment of the substantial costs of making the equipment changes and system improvements proposed by Motorola.

- Voluntary case-by-case channel swaps to address interference would not benefit NPSPAC channels (821-824/866-869 MHz), which need to be maintained as a contiguous block of public safety spectrum to preserve regional plans and nationwide interoperability.

- Motorola's technical solution would only be effective for systems meeting certain minimal performance levels. Many systems designed for mobile (as opposed to portable) operation do not meet those levels. Contrary to Motorola's statements at the meeting, such mobile system do operate in both urban and suburban areas, and thus are susceptible

to interference from low-site cellular systems. (note that APCO and other members of the Consensus Group are preparing revisions to Appendix F that would adopt lower signal thresholds for such mobile systems).

Please contact the undersigned should the Commission have any further questions or need additional information.

Respectfully submitted,

Robert M. Gurss
Counsel for APCO

cc: Ed Thomas